Dear All

Attached are Lee County's staff comments and concerns about the draft Reservations paper. The County recognizes that it is extremely difficult to put into one paper the composite water policy that has brought about the current conditions, and guide allocations for the next half century. The County recognizes that it is also difficult to articulate concepts that have not been clearly stated or developed in the past, and understands the authors know that the participating public have to walk the path the authors have in order to understand the current situation. With this understanding that the developer of the County review may not yet fully understand the reservations paper (at least as intended by the authors) the attached comments are offered.

Akin or Janet, could you please forward these comments to Mr. Ammon or Ms. Scott. For some unexplained reason, I cannot succcessfully connect with the District's web site message center.

Thank you for your consideration of this matter.

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Review of "Reservations of Water"

Background

The Everglades Restoration is the multi-billion, 50 year, recovery plan for critical environmental features in South Florida. A component of that plan is the Comprehensive Everglades Restoration Plan (CERP) which addresses various water supply strategies. In order to assure that the water supply plans provide water to the natural system, a protocol has been drafted which is the subject of this review. The protocol is "Reservations of Water for the Environment and Assurances for Existing Legal Sources Consistent with Federal and State Law."

Overall Comment

The concerns with this paper are simply-past management practices that adversely affect Lee County become institutionalized. The Caloosahatchee Estuary, a large component of the County economy and character, depends upon a management system that mimics natural conditions. Current operations that provide for extensive dewatering of the basin during the wet season--resulting in huge flows-- and the scarcity resulting in the dry season, are expected to continue until CERP projects are completed, and maybe not even then will relief be given. Further, environmental releases to the estuary seem to have been proposed to be eliminated. The conclusion seems to be that the estuary is not considered a water user nor is the river that supplies it (nor any other source that supplies it) considered a protected source for the estuary.

Specific Comments

P.6. The proviso of water supply for fish and wildlife. This consideration does not seem to preclude the estuaries. Consequently, the estuaries should not be precluded. (The protection for fish and wildlife is repeated in many places, and estuarine consideration should be included in those places also)

P.8. Text should be added: . *The public interest has a level of certainty for the natural system protection that is also associated with the issuance of permits.*

P.9 (Beginning line 9) Please add a statement of MFL for SW Florida and the Caloosahatchee, adopted in 2001.

P10. There is no mention of the role Surface Water Management Permits have played in creating the problems in reducing supply. These permits are also periodically updated. Should not there be some effort to have these permits provide for more storage?

P13. What does line 8-9 really mean? If, for example, the Caloosahatchee River flowed to the estuary in 1995 (the baseline under which all public information was presented) and didn't on the selected date, do we accept the management problem of 2000 as the planning condition?

Lines 24-29. If "projects" can be part of the baseline, then should not the MFL for the Caloosahatchee River be part of the baseline? Ditto lines 35-40.

Line 44-46. (Also 3-5, p 14) .How can local rainfall, surface storage, and runoff be a regional source of water? There is nothing left for local planning. This would further mean no flow to the estuary from the Caloosahatchee, based on statements elsewhere. Local rainfall etc should be a primary source to supply the local/regional water supply plans. (This comment about local rainfall is repeated in many places)

P14. L9-10. This is a difficult section to encompass. It seems to conflict with the In General paragraph of p 35, which is the quote from WRDA 2000

L17-21. Use is used. There are other unquantifiable reasons why permits aren't being used. (All other approvals may not have been given. Financing may not be available.) This would make water a "right" when it is a license. If a permit is issued and it cannot/has not been used, then the resource allocation should be returned to the public.

P 16 The table. The Caloosahatchee River watershed is defined as "agriculture". How was this classification determined? Is it determined by land mass, water use, or economic activity? Most water goes to estuary-or atmosphere; most economic activity occurs in the urban settings. Additionally, Where is the west coast in the listing of basins? (Not on map)

P 17 Line 4-10 What is the "environment" that is being defined? Then note Line 13 -16. What is a regulatory discharge? A pulse in wet season or a pulse in the dry season? Essentially, the question is that if average flow for dry season is 500 cfs, does the language mean we are to be considered using 500, or 0? (This links back to the issue--"what is regional water?")

P 18. Line 41-42. Provides for pre-CERP reservation as a step before CERP projects. We wish the Caloosahatchee River/estuary to have a pre-CERP reservation.

P 19/20. Please add language for the Caloosahatchee River and Lower West Coast WSPs.

P 21. Pt C. Only describes lower east coast. Needs language for Caloosahatchee river/lower west coast.

P 26. Need a pre-CERP reservation line shown on the chart.

P 28. Need western basins depicted

p 49. How do the environmental regions (lines 42-45) relate to upstream non-environmental regions? Is not the application of a Pre-CERP reservation necessary to ensure that the environmental regions maintain some semblance of their function?